

3. The Objections and Reconsideration Pursuant to United States Magistrate Judge Report and Recommendation Filed March 27th, 2008, are **OVERRULED**;

4. The Objections to Supplemental Report and Recommendation are **OVERRULED**;

5. The Petition for Writ of Habeas Corpus filed by petitioner, George Swisher, is **DENIED AND DISMISSED**; and,

6. A certificate of appealability will not issue because reasonable jurists would not debate whether the petition states a valid claim of the denial of a constitutional right or this Court's procedural rulings with respect to petitioner's claims. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

MEMORANDUM

The Court agrees with the initial Report and Recommendation and the Supplemental Report and Recommendation issued by United States Magistrate Judge David R. Strawbridge. Accordingly, both documents are approved and adopted. The Court writes briefly to address issues raised in petitioner's objections.

The first set of objections was based in large part on the claim that the Magistrate Judge did not review the entire record. Those objections and the other objections raised in response to the initial Report and Recommendation were addressed in detail in the Supplemental Report and Recommendation with which the Court agrees.

Petitioner also filed Objections to the Supplemental Report and Recommendation. Those Objections address issues presented in both Reports and Recommendations. This Court concludes that the Objections to the Supplemental Report and Recommendation raise no meritorious issues.

The Magistrate Judge concluded that many of petitioner's claims were procedurally

defaulted and that petitioner failed to show “cause for the default and actual prejudice as a result of the alleged violation of federal law, or demonstrate that failure to consider the claims will result in a fundamental miscarriage of justice.” *Coleman v. Thompson*, 501 U.S. 722, 750 (1991). In recommending that all such procedurally barred claims be dismissed, the Magistrate Judge reviewed all relevant parts of the state court record. With respect to petitioner’s remaining claims, the Court agrees with the conclusion of the Magistrate Judge that they fail on the merits under the standard of view mandated by the Anti-Terrorism and Effective Death Penalty Act of 1996, 28 U.S.C. §§ 2254(d)(1) and (2).

BY THE COURT:

/s/ Honorable Jan E. DuBois
JAN E. DUBOIS, J.